

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

)

)

Case No.: CR-22-169-01-RAW

Plaintiff,

)

v.

)

Date: 03/27/2024

)

DUSTIN KEITH DEATHERAGE,

)

Time: 10:30 a.m. – 10:50 a.m.

Defendant.

)

MINUTE SHEET – SENTENCING HEARING

U.S. District Court Judge Ronald A. White Teka Stephens, Deputy Clerk Karla McWhorter, Reporter
FTR Courtroom: 2 - Room 224

Counsel for Plaintiff: Patrick Flanigan, Asst. United States Attorney

Counsel for Defendant: Brecken Wagner, Retained ☒ Defendant appears in person with counsel

Additional minutes: Court inquired if the courtroom needed to be sealed. Counsel responded. Court directed that the transcript be sealed. (RAW)

☒ Plaintiff & Defendant reviewed PSI:☒ Government - Objections: ☐ Yes ☒ No☒ Defendant - Objections: ☐ Yes ☒ No☒ PSI will form factual basis for sentencing☒ Terms of Plea Agreement outlined by Gov't ☒ Defendant Agrees.☒ Findings: Court adopts Plea Agreement as set forth in this matter.☒ Court GRANTED Government's Motion for One Point Reduction.

ADDITIONAL MINUTES: Court addressed Sealed Motion. Counsel responded. ENTERING FINDINGS re: Sealed Motion (RAW). Court inquired if victims were notified and/or present. Government stated that the victim was present but did not wish to make a statement. Court made inquiry of defendant as to his change of plea before U.S. Magistrate Judge. Defendant and his counsel responded confirming the consent. ENTERING FINDING and affirming the finding of guilt and acceptance of plea before the U.S. Magistrate Judge. (RAW)

☒ Defendant and counsel asked if they care to say anything prior to sentence being pronounced☐ Statements by Government in aggravation/mitigation of punishment☒ Statements by defendant's counsel☐ Statements by defendant**SENTENCE: As to Count 1 of the Indictment**☒ Bureau of Prisons for a term of 97 months☐ Concurrent☐ Consecutive

The Court recommends that the Bureau of Prisons evaluate and determine if defendant is a suitable candidate for the Intensive Drug Treatment Program. Should defendant be allowed to participate in the program, it is further recommended that defendant be afforded the benefits prescribed and set out in 18 U.S.C. Section 3621(e) and according to Bureau of Prisons' policy.

☒ Supervised Release for a term of 3 years☐ Concurrent☐ Consecutive☒ Special Assessment: \$ 100.00☒ due immediately☐ Fine: _____☐ with interest☐ interest waived☐ Restitution: _____☐ with interest☐ interest waived

☒ **STANDARD CONDITIONS** of Probation given, including the following **Special Conditions:**

1. Defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. **2.** Defendant shall participate in a program approved by the United States Probation Office for the treatment of narcotic addiction, drug dependency, or alcohol dependency, which will include testing to determine if defendant has reverted to the use of drugs or alcohol and may include outpatient treatment. **3.** Defendant shall successfully participate in a program of mental health treatment and follow the rules and regulations of the program. The probation officer, in consultation with the treatment provider, will determine the treatment modality, location, and treatment schedule. Defendant shall waive any right of confidentiality in any records for mental health treatment to allow the probation officer to review the course of treatment and progress with the treatment provider. Defendant must pay the costs of the program or assist (co-payment) in payment of the costs of the program if financially able.

Defendant shall forfeit to the United States the personal property as set forth in the Criminal Forfeiture Allegation contained in the Indictment.

☒ **REASONS FOR IMPOSING SENTENCE** given by Court

☒ Defendant advised of right to appeal ☐ Defendant gave notice that a waiver of appeal would be filed

☐ Remaining counts ordered dismissed: _____

☒ Defendant requested a BOP facility: as close possible to Wilburton OK to facilitate family contact ☒ So recommended by the Court.

☒ Defendant remanded to the custody of the U.S. Marshal

☒ Court adjourned